

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

BRIAN G. VALLEROY,	)	
	)	
Plaintiff,	)	
v.	)	NO. CIV-12-0075-HE
	)	
CAROLYN W. COLVIN, Commissioner	)	
of the Social Security Administration,	)	
	)	
Defendant.	)	

**ORDER**

Plaintiff Brian G. Valleroy instituted this action seeking judicial review of the final decision of the Commissioner of the Social Security Administration (“Commissioner”) denying his applications for disability insurance benefits and supplemental security income benefits. Consistent with 28 U.S.C. § 636(b)(1)(B), the case was referred to Magistrate Judge Shon T. Erwin, who recommends that the decision be reversed and the matter remanded for further proceedings. Objections to the magistrate judge’s recommendation were due by March 8, 2013.

The parties, having failed to object to the Report and Recommendation, waived their right to appellate review of the factual and legal issues it addressed. United States v. 2121 E. 30th St., 73 F.3d 1057, 1059 (10th Cir. 1996); *see also* 28 U.S.C. § 636(b)(1)(C) (“A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*” (emphasis added)). Accordingly, the court adopts Magistrate Judge Erwin’s Report and Recommendation [Doc. #26], **REVERSES** the final decision of the Commissioner and

**REMANDS** the case for further proceedings consistent with the Report and Recommendation.

**IT IS SO ORDERED.**

Dated this 31st day of March, 2013.



---

JOE HEATON  
UNITED STATES DISTRICT JUDGE